

REMARKS

Claim 1 and claims dependant thereon have been amended to further patentably distinguish the invention from the prior art. Claim 3 has been amended to overcome a minor informality. Claims 9-11 are presented without amendment in light of the following authorities and remarks. Claims 13-20 have been cancelled.

The courtesy of the Examiner in withdrawing the rejection of claims 1-16 is acknowledged with appreciation.

Claim 3 is objected to for reciting "multimedia-system" without sufficient antecedent basis. This claim has been amended to depend upon claim 2 that provides sufficient antecedent basis. Accordingly, withdrawal of the objection to claim 3 is respectfully requested.

The office action states:

Claims 1-4, 6, 8-10, and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Bernier US Patent Application Publication 20040040039.

Regarding claim 1, Bernier teaches providing the user of a control device (remote control), an indication of a value (channel number shown in banner 740 in figure 7) currently representative of a preset sound source (channel) and simultaneously providing an indication of a new value of the preset representative of a different sound signal source (the channel numbers shown in banner (780) (paragraph 055-056).

Regarding claim 2, Bernier teaches the preset is associated with multimedia system (figure 7).

Regarding claim 3, Bernier teaches the multi-media system comprises an audio system (paragraph 055).

Regarding claim 4, Bernier teaches the indication comprises graphical items such as numbers on the display (figure 7).

Regarding claim 6, Bernier teaches the user confirms the new preset value by selecting a channel number displayed on the screen using the select button (paragraph 45).

Regarding claim 8, Bernier teaches the value comprises an identifier of a station (paragraph 055).

Regarding claim 9, Bernier teaches enabling a user of a remote control to indicate possible new value of a preset by selecting a channel listed in area 780 of the display screen and the selected channel changes the operation of the TV by causing the new program selected to be displayed in area 710 of the display (paragraph 055). The user of the control device is further allowed to add the select channel to the list of favorite channel and is required to confirm the channel to the list of favorite channel (paragraph 082). The operation of the second device (TV) is changed before confirming the new preset favorite channel.

Regarding claim 10, Bernier teaches the value comprises an identifier of a station (paragraph 055).

Regarding claim 12, Bernier teaches the sound signal source comprises the movie (item to be performed) to shown (figure 7).

Regarding claim 13, Bernier teaches providing the user of a control device (remote control), an indication of a values of recently invoke presets such as the channel number shown in banner 740 and channel number shown in banner 710 (paragraph 055). The channel number is representative of a sound signal source.

Regarding claim 14, Bernier teaches selecting a channel listed in area 780 of the display screen and the selected channel changes the operation of the TV by causing the new program selected to be displayed in area 730 of the display (paragraph 056).

Regarding claim 15, Bernier teaches displaying values of possible selection of sound signal sources at one level of a hierarchy values by displaying a list of favorite channel category (figure 16) and enabling a user to select one of the values at the one level of the hierarchy, and while at least a portion of the one

level of the hierarchy is displayed (figure 19A), showing possible selections at a second, lower level of the hierarchy that correspond to the one of the values selected by the user, at least another portion of the one level being obscured (paragraph 073-074).

Regarding claim 16, Bernier teaches displaying an identification of the level of the hierarchy (favorite channel categories) currently displayed 9figure 18).
P.p.2-4

This ground of rejection is respectfully traversed. We rely on the authority set forth on pages 4 and 5 of the Amended Appeal Brief.

The reference discloses:

[0055] The top left portion of the IPG screen 700 includes a detailed focus area 710 that includes detailed information for a currently highlighted media content instance listing or display channel. Video corresponding to the television service to which the DHCT 16 (FIG. 3) is currently tuned (for which audio may also be playing, and which preferably corresponds to a television presentation occupying the full screen before the user is presented with the IPG screen 700) is displayed in a video area 730. Immediately below the video area 730 is an information banner 740 for displaying the television display channel number corresponding to the service to which the DHCT 16 is currently tuned (e.g., display channel 5), the current day and date (e.g., Thursday, January 17), and the current time (e.g., 8:00 p.m.).

[0056] An IPG grid 765 includes a listing display area 760, a time area 770, and a display channel area 780. The listing display area 760 contains listings of media content instances that correspond to respective television services identified in the display channel area 780 that are scheduled to be available during the time periods listed in the time area 770. The listings, such as the Johnny Bravo listing 720, includes an identifier such as the title of the media content instance (e.g., Johnny Bravo) it represents, and can include other identifiers like parental control icons or differences in shading and/or color to represent different functionality. The display channel area 780 includes, in one implementation, a vertical list of television services organized sequentially from top to bottom by increasing television display channel number (except for the highest numbered television

service which is typically listed immediately above the lowest numbered television service).

The reference does not disclose simultaneously providing an indication of a possible new value of the preset representative of a different sound signal source and providing the user with a edit option allowing the user to then change the value to the new value as called for by claims 1-4, 6, 8 and 12.

Nor does the reference disclose the method of claims 9 and 10 calling for enabling a user of a control devise to indicate a possible new value of a preset sound signal source and to separately confirm the indication, and while the new value has been indicated and before the indication has been confirmed, changing the operation of another devise in accordance with the indicated possible new value as called for by these claims. This feature enabling the user to preview the effect of the new value before approving the changed preset value is exemplified in the description in the second full paragraph on page 8. These limitations are absent from the reference. Paragraph 82 of the reference only discloses deleting and adding favorite channels from a favorite channel category. There is no disclosure of the limitation while the new value has been indicated before the indication has been confirmed, changing the operation of another device in accordance with the indicated possible new value as disclosed and claimed in claims 9 and 10.

If this ground of rejection is repeated, the Examiner is respectfully requested to quote verbatim the language in the reference regarded as corresponding to the limitations in the last

two subparagraphs of claim 1 and the limitations in claim 9, particularly the last subparagraph.

The office action states:

Claims 5, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernier US Patent Application Publication 20040040039 in view of Allport US Patent 6104334.

Regarding claim 5, Bernier teaches the display is provided by the television (figure 7) and is silent on teaching the display is part of the control device. Allport in an art invention in the same field of endeavor of remote control teaches the control device (10) providing a displaying current preset of a sound source (figure 5).

It would have been obvious to one of ordinary skill in the art to modify the remote control system of Bernier as disclosed by Allport because this allows the remote control functions without directly interfacing with the television screen and further extending the reach of the remote control.

Regarding claim 7, Bernier teaches the control device communicate with the television (second device) to effect the new preset value (paragraph 061).

Regarding claim 11, Bernier teaches an audio sound source (paragraph 055) but is silent on teaching the station comprises a radio station and another device comprises a radio receiver. Allport in an art invention in the same field of endeavor of remote control teaches the sound source is a radio broadcast (col. 27 lines 1-15) and a radio receiver is inherently used to reproduce the broadcast sound from a radio station.

It would have been obvious to one of ordinary skill in the art to modify the remote control system of Bernier as disclosed by Allport because a radio station is a sound source use to broadcast audio signal to a radio receiver. P.p. 5-6.

This ground of rejection is respectfully traversed. We rely on the authorities set forth on pages 7-8 of the Amended Appeal Brief. Claims 5 and 7 are dependent upon and include all the limitations of claim 1, and claim 11 is dependent upon and includes all the limitations of claim 9, and the reasoning set forth above in support of the patentability of these claims over the primary

reference is submitted to support the patentability of claims 5, 7 and 11 so that further discussion of the secondary references is submitted to be unnecessary. Furthermore, it is impossible to combine the primary and secondary references to meet the limitations of claims 5, 7 and 11. That it is impossible to combine the primary and secondary references to meet the limitations of claims 5, 7 and 11 is reason enough for withdrawing the rejection of them.

If this ground of rejection is repeated, the Examiner is respectfully requested to quote verbatim the language in the references regarded as corresponding to each limitation in claims 5, 7 and 11 and quote verbatim the language in the references regarding as suggesting the desirability of combining what is there disclosed to meet the limitations of these claims.

In view of the foregoing cancellations, authorities, remarks and the inability of the prior art to anticipate, suggest or make obvious the subject matter as a whole of the invention disclosed and claimed in this application, all the claims are submitted to be in a condition for allowance, and notice thereof is respectfully requested. Should the Examiner believe the application is not in a condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at 617-521-7014 to discuss what additional steps the Examiner believes are necessary to place the application in a condition for allowance.

Please apply any other charges or credits to deposit account 06-1050, under order 02103-581001.

Respectfully submitted,
FISH & RICHARDSON P.C.

27 February 2007
Date: _____

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